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HOUSE RESEARCH ORGANIZATION

daily floor report

Thursday, May 04, 2017
85th Legislature, Number 63
The House convenes at 10 a.m.
Part Three

Ninety-five bills and one joint resolution are on the daily calendar for second-reading consideration today. Those analyzed or digested in Part Three of today's *Daily Floor Report* are listed on the following page.

The House will consider a Congratulatory and Memorial Calendar and a Local, Consent, and Resolutions Calendar.



Dwayne Bohac
Chairman
85(R) - 63

HOUSE RESEARCH ORGANIZATION

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Thursday, May 04, 2017

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Part 3

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- SUBJECT:** Removing penalties on certain amended oil and gas severance tax reports
- COMMITTEE:** Ways and Means — committee substitute recommended
- VOTE:** 11 ayes — D. Bonnen, Y. Davis, Bohac, Darby, E. Johnson, Murphy, Murr, Raymond, Shine, Springer, Stephenson
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Paula Barnett, BP America; Julie Williams, Chevron; Kinnan Golemon, Devon Energy; Stephen Minick, Texas Association of Business; Dale Craymer, Texas Taxpayers and Research Association)
- Against — None
- BACKGROUND:** Tax Code, sec. 201.351 and sec. 202.301 levy a 5 percent penalty on delinquent gas and oil severance taxes, respectively. This penalty applies to any additional tax due on an amended report, even when the original report was filed on time. Some observers contend that producers can be penalized for the difference between the original report and the amended report even when they originally made a good faith effort to pay the proper amount on time.
- DIGEST:** CSHB 3232 would provide that an oil or gas severance taxpayer was not subject to the penalty under sec. 201.351 or sec. 202.301 on additional tax from an amended report if:
- the original report was filed on time and the full amount of tax due at the time was paid;
 - the amended return was filed within two years after the due date of the original report and any additional tax was paid when the amended return was filed;
 - any additional tax due was less than 25 percent of the tax originally paid; and
 - the taxpayer resolved all errors identified by the comptroller within 60 days.

This bill would take effect January 1, 2018, and would apply to delinquent tax owed as a result of an amended report filed on or after that date, regardless of when the original report was due.

SUBJECT: Expanding minimum health coverage for ovarian cancer screening

COMMITTEE: Insurance — favorable, without amendment

VOTE: *After recommitted:*
9 ayes — Phillips, Muñoz, R. Anderson, Gooden, Oliverson, Paul, Sanford, Turner, Vo
0 nays

WITNESSES: *April 18 public hearing:*
For — (*Registered, but did not testify:* V.A. Stephens and Michelle Wittenburg, KK125)

Against — None

BACKGROUND: Insurance Code, sec. 1370.003 requires health benefit plans that cover diagnostic medical procedures to include coverage for an annual medically recognized diagnostic examination for the early detection of cervical cancer and ovarian cancer. Any woman 18 or older and enrolled in the plan is entitled to the coverage. Required coverage for a cervical cancer and ovarian cancer screening includes at a minimum a CA 125 blood test and a conventional Pap smear screening or a liquid-based cytology screening, alone or in combination with a test for the detection of the human papillomavirus (HPV).

DIGEST: HB 3304 would require health benefit plans that cover diagnostic medical procedures to include coverage for any other test or screening approved by the U.S. Food and Drug Administration for the detection of ovarian cancer in an annual medically recognized diagnostic examination.

The bill would take effect September 1, 2017, and would apply to a health benefit plan issued on or after January 1, 2018.

SUPPORTERS SAY: HB 3304 would make headway in the prevention and early detection of ovarian cancer by ensuring that certain health insurance plans provided coverage for all federally approved tests for ovarian cancer as part of

annual well-woman exams. Ovarian cancer has a high mortality rate, largely because the disease has vague symptoms that are not unique to ovarian cancer and that patients do not recognize until the disease is too advanced to treat effectively. Expanding ovarian cancer screening minimum health coverage would give more Texas women the best chance for early detection and effective treatment of this disease.

OPPONENTS
SAY:

HB 3304 inappropriately would create a state mandate by requiring health insurance companies to include an additional test in their plan's minimum health coverage. Such mandates drive up the cost of health care and insurance and are not the proper role of government.

NOTES:

HB 3304 was reported from the House Committee on Insurance on April 25, sent to Calendars, recommitted to committee, and reported favorably again on April 26.

SUBJECT: Authorizing HOAs to conduct criminal history checks on tenants

COMMITTEE: Business and Industry — favorable, without amendment

VOTE: 4 ayes — Oliveira, Shine, Villalba, Workman
2 nays — Collier, Romero
1 absent — Stickland

WITNESSES: For — None
Against — (*Registered, but did not testify*: David Kahne)
On — Juliana Gonzales, Austin Tenants' Council

BACKGROUND: The 84th Legislature in 2015 enacted HB 2489 by Leach, which added Property Code, sec. 209.016. The law prohibits a property owners' association from adopting or enforcing a provision in a dedicatory instrument that contains certain requirements. The dedicatory instrument may not require a lease or rental application or a tenant to be submitted to and approved for tenancy by the association. Nor may it require certain information to be submitted to the association regarding a lease or rental applicant or current tenant.

DIGEST: HB 3868 would allow a property owners' association, on approval by a majority vote of the owners, to adopt and enforce a requirement that an applicant for a long-term or short-term tenancy of subdivision property consent to a background and criminal history check. The check would be conducted by or on behalf of the association.

The bill would apply to a dedicatory instrument adopted before, on, or after the bill's effective date.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS
SAY:**

HB 3868 would restore the ability of homeowners' associations to conduct background and criminal history checks on tenants who lease property in a subdivision. Legislation enacted last session limited the ability of homeowners' associations to enforce lease restrictions for tenants with criminal records, including sex offenders. This has raised concerns about neighborhood safety. Homeowners should have the right to decide whether to require criminal background checks for individuals leasing property in their neighborhood.

**OPPONENTS
SAY:**

HB 3868 could interfere with the rights of homeowners to lease their homes to the tenants of their choice. Background checks could be used as a tool to refuse a lease to someone who had been convicted of even a minor criminal offense. In addition, homeowners' associations might not have a full understanding of the potential for criminal background checks to violate fair housing laws.

SUBJECT: Modifying the sales tax exemption on services by temporary employees

COMMITTEE: Ways and Means — committee substitute recommended

VOTE: 11 ayes — D. Bonnen, Y. Davis, Bohac, Darby, E. Johnson, Murphy, Murr, Raymond, Shine, Springer, Stephenson

0 nays

WITNESSES: For — Pamela Bratton, Meador Staffing Services, the Texas Association of Staffing

Against — (*Registered, but did not testify*: Adam Cahn, Cahnman's Musings)

On — (*Registered, but did not testify*: Karey Barton, Comptroller of Public Accounts)

BACKGROUND: Tax Code, sec. 151.057 provides that certain services performed by employees are not taxable. These include services performed by employees of temporary employment services, as long as:

- the service is normally performed by the host employer's own employees;
- the host employer provides all necessary supplies and equipment; and
- the temporary employee is under the direct or general supervision of the host employer.

DIGEST: CSHB 4052 would add to requirements under Tax Code, sec. 151.057 to qualify for an exemption. Under the bill, a service performed by employees of temporary employment services would be exempt only if, in addition to the current requirements:

- the host employer did not in any fashion acquire from the temporary employment service any necessary supplies, other than personal protective equipment required by federal law, that the host

employer must provide to qualify for the exemption under sec. 151.057; and

- the host employer had the sole right to supervise the employee of the temporary employment service, rather than merely having direct or general supervision.

The bill would take effect September 1, 2017, and would apply only to services that began on or after that date.

NOTES:

A companion bill, SB 745 by Kolkhorst, was approved by the Senate on April 3.

SUBJECT: Expunction of a notice of lis pendens

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 6 ayes — Oliveira, Shine, Collier, Romero, Villalba, Workman

0 nays

1 absent — Stickland

WITNESSES: For — Sandy Hoy, Texas Apartment Association; Roland Love, Texas Land Title Association; (*Registered, but did not testify*: Cary Roberts, County and District Clerks' Association of Texas; Randy Lee, Stewart Title Guaranty Company; Ned Munoz, Texas Association of Builders; Celeste Embrey, Texas Bankers Association; Allen Place, Texas Land Title Association; John Fleming, Texas Mortgage Bankers Association)

Against — (*Registered, but did not testify*: Brian Engel, Barrett Daffin Frappier Turner and Engel)

BACKGROUND: A notice of "lis pendens" is a notice of a pending real estate lawsuit involving eminent domain, a title claim, establishment of interest in real property, or enforcement of and encumbrance against real property.

Property Code, sec. 12.0071 allows parties to an action connected to a filed notice of lis pendens to apply to the court to expunge the notice. The court is required to expunge the notice if it determines that the pleading on which the notice is based does not contain a real property claim, the claimant fails to establish probable validity of a real property claim, or proper notice of lis pendens was not properly served.

Some observers recommend clarifying whether entities may transfer or encumber an interest in real property after an expunction of notice of lis pendens has been ordered, arguing that current uncertainty about the reliability of expunctions is discouraging title companies from transferring or encumbering interest in real property in a timely manner.

DIGEST: CSHB 4086 would specify that once a notice of lis pendens had been ordered expunged, an interest in the real property could be sold or encumbered free of all matters disclosed in the notice and claims in the action to which the notice related.

The bill also would specify that any information that could be derived from a notice of lis pendens did not constitute constructive or actual notice of any matter relating to the action in connection with the notice of lis pendens.

The bill would take effect September 1, 2017, and would apply only to an order for expunction recorded on or after that date.

NOTES: A companion bill, SB 1955 by Hughes, was approved by the Senate on April 26 and reported favorably from the House Committee on Business and Commerce on May 3.

SUBJECT: Allowing the Fairfield Hospital District to increase taxes by election

COMMITTEE: County Affairs — favorable, without amendment

VOTE: 5 ayes — Coleman, Biedermann, Neave, Roberts, Uresti

1 nay — Stickland

3 absent — Springer, Hunter, Thierry

WITNESSES: For — (*Registered, but did not testify*: John Hawkins, Texas Hospital Association)

Against — None

BACKGROUND: Special District Local Laws Code, sec. 1015.252 establishes that the tax rate in the Fairfield Hospital District may not exceed 12 cents on each \$100 valuation of taxable property.

Election Code, ch. 4 governs election notices and requires a notice to be published between 10 and 30 days before election day either in a newspaper published in the territory or with general circulation in the territory.

Certain entities claim that voters in the Fairfield Hospital District should be able to increase their property taxes by election from 10 cents to 25 cents, which is the average rate for a hospital district, to guarantee the quality and availability of local health care.

DIGEST: HB 3442 would allow the board of directors of the Fairfield Hospital District to order an election to increase the maximum tax rate to up to 25 cents on each \$100 valuation of taxable property.

If the district received a petition for an election signed by at least 100 voters registered in the district, the board would have to hold a hearing on the petition. The bill would require the board to hold an election to increase taxes as stated in the petition if, after the hearing, the board

determined that the petition was in proper form and that a tax increase would benefit the district.

The order would have to state the proposition that would appear on the ballot, the maximum tax rate that would be voted on, the election date, poll hours, and polling locations.

The bill also would require notice requirements for an election of directors to the board of the Fairfield Hospital District to be published in accordance with Election Code, ch. 4.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

NOTES:

A companion bill, SB 2289 by Schwertner, was left pending in the Senate Health and Human Services Committee on May 3.

SUBJECT: Recognizing licensed, healthy before- and after-school programs

COMMITTEE: Public Education — committee substitute recommended

VOTE: 7 ayes — Huberty, Bernal, Dutton, Gooden, K. King, Koop, VanDeaver
0 nays
4 absent — Allen, Bohac, Deshotel, Meyer

WITNESSES: For — Gordon Echtenkamp, YMCA of Metropolitan Dallas; (*Registered, but did not testify*: Mark Wiggins, Association of Texas Professional Educators; Dan Posey, Baylor Scott & White Health; Robin Stallings, BikeTexas; Brooks Ballard, CATCH Global Foundation and Partnership for a Healthy Texas; Jenny Eyer, Children at Risk; Albert Cheng, Harris County Public Health; Kelly Reed-Hirsch, Harris County School Health Leadership Group; Rocaille Roberts, Healthy Living Matters; Lisa Lauter, Healthy Living Matters, Spring Branch ISD, School Health Advisory Councils; Chris Frandsen and Brenda Koegler, League of Women Voters of Texas; Joseph McMahan, Mission: Readiness; Adriana Kohler, Texans Care for Children; Marshall Kenderdine, Texas Academy of Family Physicians; Rebecca Fuchs, Texas Association of Health Physical Education Recreation and Dance; Joan Altobelli, Texas Licensed Child Care Association; Troy Alexander, Texas Medical Association; Andrew Cates, Texas Nurses Association; Jenna Courtney, Texas Partnership for Out of School Time (TXPOST); Clayton Travis, Texas Pediatric Society, Partnership for a Healthy Texas; Kyle Ward, Texas PTA; Arsheill Monsanto, Texas State Alliance of YMCAs; Aidan Utzman, United Ways of Texas; Heather Sheffield)

Against — None

On — (*Registered, but did not testify*: Julie Richards, Department of Family and Protective Services; Melissa Gonzales, Texas Department of Agriculture; Kara Belew, Monica Martinez, and Shelly Ramos, Texas Education Agency)

DIGEST: CSHB 168 would require the Department of Family and Protective Services (DFPS) to develop a voluntary program for recognizing licensed before- and after-school programs that promote healthy eating and physical activity. DFPS would evaluate before- or after-school programs that applied to be recognized based on the program's compliance with the following requirements:

- staff training in standards of healthy behavior and eating;
- opportunities for physical activity among attendees;
- limits on the time attendees spend in front of a TV, computer, tablet, or handheld device screen;
- the availability of healthy foods and beverages; and
- efforts to engage parents and legal guardians.

DFPS would be required to establish the bronze, silver, and gold levels of recognition for programs applying for recognition based on a program's staff completing certain training requirements and the number of requirements with which the program complied. DFPS would be allowed to provide technical assistance to before- and after-school programs seeking to advance to a higher recognition level.

A program that would meet the requirements for a recognition level could create a corresponding recognition certificate using a certificate template created by DFPS. A recognition certificate would expire on the second anniversary of the date it was issued. A program could renew a recognition certificate if the program applied to renew before the recognition certificate expired.

The department would be required to post resources about the recognition program and a recognition certificate template on the department's website. DFPS also would maintain a list of each before- or after-school program that qualified for recognition and would post the list on the department's website. The list would include the before- or after-school program's recognition level and the date the program's recognition level expired.

The requirements of the bill would be in addition to any other requirement

imposed by law to a before- or after-school program.

The bill would authorize the DFPS executive commissioner to adopt rules to implement the bill.

CSHB 168 would take effect January 1, 2018.

NOTES:

A companion bill, SB 757 by Menéndez, was referred to the Senate Health and Human Services Committee on Feb. 22.

SUBJECT: Allowing collection of certain judgments through court proceeding

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Smithee, Farrar, Gutierrez, Laubenberg, Murr, Rinaldi, Schofield

0 nays

2 absent — Hernandez, Neave

WITNESSES: For — Craig Noack and Brian Staley Texas Creditors Bar Association; Fiecke Baumann; Grant Dunwoody; Steve Javandoost; (*Registered, but did not testify*: Katharine Allen, Encore Capital Group, Inc.; Travis Dunwoody)

Against — None

BACKGROUND: Civil Practice and Remedies Code, sec. 31.002 allows a judgment creditor to seek the aid of a court to collect a judgment if the judgment debtor owns property that cannot readily be attached or levied on by ordinary legal process and is not exempt from attachment, execution, or seizure for the satisfaction of liabilities.

Some have said that the circumstances for collecting a judgment should be adjusted to make it easier for a judgment creditor to receive help from a court in reaching property to satisfy a judgment.

DIGEST: HB 1066 would remove language requiring a showing that a judgment debtor's property cannot readily be attached or levied by ordinary legal process. The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017, and would apply to the collection of a judgment regardless of when it was entered.

SUBJECT: Limiting fee changes by state agencies for license issuance, renewal

COMMITTEE: Licensing and Administrative Procedures — favorable, without amendment

VOTE: 6 ayes — Kuempel, Frullo, Geren, Goldman, Paddie, S. Thompson
3 absent — Guillen, Hernandez, Herrero

WITNESSES: For — (*Registered, but did not testify*: Jon Fisher, Associated Builders and Contractors of Texas; Annie Spilman, National Federation of Independent Business-Texas; Matt Burgin, Texas Food & Fuel Association; Dan Finch, Texas Medical Association; David White, Texas Psychological Association; Bill Peacock, Texas Public Policy Foundation; Jim Sheer, Texas Retailers Association)

Against — None

On — (*Registered, but did not testify*: Tim Kleinschmidt, Texas Department of Agriculture; Sacha Jacobson)

BACKGROUND: Some have called for prohibiting an increase in licensing fees set by state agencies in order to ensure cost predictability for licensees and ensure that any future fee increases are set by the Legislature.

DIGEST: HB 1055 would prohibit a state agency from increasing the amount of a licensing fee established on or before January 1, 2017, to an amount greater than it was on that date. This would apply to fees for newly issued licenses or renewals.

The bill would take effect September 1, 2017.

SUBJECT: Prohibiting investments of public money in certain foreign entities

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 11 ayes — Cook, Giddings, Craddick, Farrar, Geren, K. King, Kuempel, Meyer, Oliveira, Paddie, E. Rodriguez

0 nays

2 absent — Guillen, Smithee

WITNESSES: For — (*Registered, but did not testify*: Michelle Smith, Texas Association of School Business Officials)

Against — None

On — (*Registered, but did not testify*: Brent Turner, Comptroller of Public Accounts)

BACKGROUND: The 80th Legislature in 2007 enacted SB 247 by Ellis (Government Code, ch. 806), which required the Employees Retirement System and the Teacher Retirement System to sell, redeem, divest or withdraw all publicly traded securities of scrutinized companies engaged in business with Sudan. It also prohibited the retirement systems from investing in such companies.

The 83rd Legislature in 2013 enacted SB 200 by Patrick (Government Code, ch. 807), which established investment prohibitions and required the same divestment process of the Employees, Teacher, Municipal, County and District, and Emergency Services retirement systems from scrutinized companies engaged in business with Iran.

A scrutinized company is one that has engaged in scrutinized business operations that involve contracts with or providing supplies or services to the governments of Sudan or Iran; a company in which either government has any direct or indirect equity share; a consortium or project commissioned by either government; or a company involved in a

consortium or project commissioned by either government.

Concerns have been raised that while these laws required certain retirement systems' to divest from and prohibited future investments in companies engaged in business with Sudan or Iran, the requirements did not extend to other public funds.

DIGEST: CSHB 1143 would prohibit the investment of public money in companies engaged in scrutinized business with Sudan, Iran, or a foreign terrorist organization designated by the U.S. secretary of state.

Investments in Sudan and Iran. Government Code, ch. 806, governing investment in Sudan, would be re-designated as a new chapter. Ch. 807, governing investment in Iran, would be repealed and consolidated into the new chapter. On the effective date of the bill, all power, duties, and functions of the State Pension Review Board under ch. 807 would be transferred to the comptroller.

Investments in certain foreign terrorist organizations. The consolidated provisions, including those related to the divestment process and investment prohibitions, would be expanded to apply to investments with a company engaged in scrutinized business operations with a designated foreign terrorist organization, as defined in the bill.

The comptroller would be required to prepare, maintain, and make available on the comptroller's website a list of designated foreign terrorist organizations. The initial list would have to be provided by September 1, 2017, and filed within 30 days with the presiding officer of each house of the Legislature.

Investing entities. The bill would apply to all investing entities, not just the Employees Retirement System and Teacher Retirement System. The bill would define investing entities to include a local government, a state agency, a nonprofit organization acting on behalf of a governmental entity, an investment pool, and the comptroller.

Listed companies. The bill would expand the requirements for the comptroller to maintain a list of scrutinized companies with certain

business operations in Sudan to include those with similar operations in Iran and with a designated foreign terrorist organization. The initial list would have to be provided by October 1, 2017, and updated annually.

Exemptions. The Employees Retirement System or the Teacher Retirement System would not be subject to divestment requirements if the entity determined that the requirement would be inconsistent with its fiduciary responsibility with respect to the investment of assets or other duties imposed by law.

The bill would exempt an investing entity from any conflicting statutory obligations regarding investment decisions that relate to state treasury operations of the comptroller or public funds.

A company that the U.S. government declared to be excluded from its federal sanctions regime relating to Sudan, Iran, or a designated foreign terrorist organization would not be subject to divestment or investment prohibition.

Sunset. The chapter added by the bill would expire September 1, 2037.

Effective date. This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect on the 91st day after the last day of the legislative session.

NOTES:

According to the Legislative Budget Board, the bill could have an indeterminate fiscal impact on the state depending on the difference in returns for investments affected by the bill and the returns for investments that would replace them.

A companion bill, SB 253 by V. Taylor, was reported engrossed by the Senate on April 19 and was referred to the House State Affairs Committee on May 1.

SUBJECT: Establishing rules and procedures for an online notary service

COMMITTEE: Investments and Financial Services — committee substitute recommended

VOTE: 6 ayes — Parker, Stephenson, Burrows, Dean, Holland, Longoria
0 nays
1 absent — E. Johnson

WITNESSES: For — Dawn Lewallen, Stewart Title Guaranty; Jeffrey Bode, Texas Mortgage Bankers Association; Justin Lischak Earley; (*Registered, but did not testify*: Brian Engel, Barrett Daffin Frappier Turner and Engel; Randy Lee, First American Title Insurance Company; Brian Yarbrough, JPMorgan Chase; Vicki Truitt, Mackie Wolf Zientz & Mann, P.C.; Julia Parenteau, Texas Association of Realtors; Celeste Embrey, Texas Bankers Association; Jeff Huffman, Texas Credit Union Association; Kelly Rodgers, Wells Fargo)

Against — Bob Rice, Notaries; (*Registered, but did not testify*: Kal Tabbara, American Association of Notaries)

On — Michael Chodos, Notarize, Inc.; (*Registered, but did not testify*: Robert Sumners and Briana Godbey, Texas Secretary of State)

BACKGROUND: Some observers note while many states have recently begun authorizing a notary public to conduct an online notary service, Texas provides no such authorization.

DIGEST: CSHB 1217 would require the secretary of state to develop standards and rules for online notarization, a notarial act conducted using two-way video and audio conferencing. The standards would provide for credential analysis to affirm the validity of government-issued identification and identity proofing by third parties. The secretary of state could confer with the Department of Information Resources or other appropriate state agencies on certain aspects of the standards.

A notary public or an applicant for appointment as a notary public could apply to the secretary of state to be commissioned as an online notary public. The bill would outline application requirements and would allow the secretary of state to charge a fee in an amount necessary to administer requirements for online notaries public. Online notaries public would be subject to the same requirements under current law as a typical notary public.

An online notary public could perform an online notarization relating only to documents:

- signed by a Texas resident
- relating to real estate in Texas;
- relating to a transaction in which at least one of the parties was a Texas resident and authorized to do business here;
- relating to a debt that was payable at a location in this state;
- intended to be filed in the state's public records, including an affidavit or deposition to be filed in a Texas court; or
- constituting an acknowledgment or affirmation made by a person physically located in Texas.

Online notaries public would be required to determine the basis for an online notarization before conducting it, and would have to maintain a secure electronic record of this information in a manner prescribed by the bill. CSHB 1217 also would set requirements for ensuring the security of the online notary public's electronic record, electronic signature, and electronic seal.

In performing an online notarization, an online notary public would have to verify the identity of a person creating an electronic signature at the time it was taken by using two-way video and audio conferencing. The notary also would need to take steps to ensure the video and audio communication was protected from unauthorized interception. The electronic notarial certificate would include a notation that the notarization was performed online. Under the bill, a fee of up to \$25 could be charged for an online notarization, in addition to any other fees currently authorized for public notaries.

Online notaries public whose commission ended would be required to destroy the certificate allowing them to conduct online notarization, with certain exceptions for terminated notaries who were recommissioned.

An unauthorized person who knowingly obtained, concealed, damaged, or destroyed such an enabling certificate would commit a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).

This bill would take effect July 1, 2018.